

MEMO ENDORSED

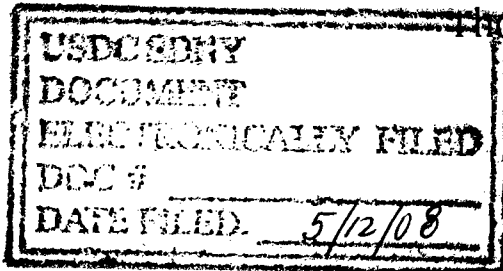
LAW OFFICES
Bruce D. Katz & Associates

Attorneys and Counselors at Law

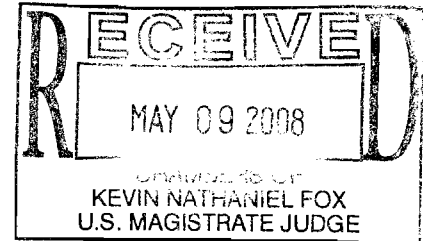
The Transportation Building

225 Broadway, 37th Floor
New York, New York, 10007

(212) 233-3434
(212) 208-3060 Fax



May 9, 2008



BY FACSIMILE (212) 805-6712

Hon. Kevin N. Fox
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Room 540
New York, NY 10007

Re: Forecast Consoles, Inc. v. TBC Consoles, Inc. et al.
Civil Action No. 07-CV-3106(KMW)(KNF)

Dear Judge Fox:

I am counsel for plaintiff, Forecast Consoles, Inc. ("Forecast"), in the above-captioned action and I am writing to request a 90-day extension of the pre-trial deadlines set forth in the scheduling order and discovery plan in this case. Defendants' counsel has consented to this request and, in fact, suggested this request.

The original discovery cutoff date was April 1, 2008. All pre-trial deadlines were extended by 90 days, until July 1, 2008, by Your Honor's Order of March 3, 2008.

The reasons for this request are as follows.

During the March 3, 2008 telephonic status conference, defendants' counsel requested a settlement conference prior to engaging in costly discovery and/or motion practice. At the same time, the discovery cutoff dates were extended 90 days to accommodate defense counsel's request. A copy of Your Honor's March 3 Order extending discovery and scheduling the settlement conference is being faxed herewith. Unfortunately, the settlement conference did not occur until April 7, 2008 and the parties were unable to reach any meaningful settlement agreement. In the interim, various deadlines were approaching, including the deadlines for depositions and expert disclosures. Since the purpose of the settlement conference was to explore the possibility of settlement before incurring the expense of these tasks, defendants' counsel has not yet conducted an on-site inspection of many thousands of documents made available for inspection at plaintiff's offices. Nor have defendants yet produced many

Hon. Kevin N. Fox
May 9, 2008
Page 2

documents responsive to plaintiff's discovery requests. It is believed that these tasks can be accomplished within the 90 day extension requested herein.

Additionally, the parties have sought leave to move for partial summary judgment. Pursuant to Judge Wood's Order, the parties' filed Rule 56.1 statements, responsive statements, and rebuttal statements. The Court has not yet scheduled a pre-motion conference or set a briefing schedule for these motions. Thus, the Court will not yet have addressed the parties' dispositive motions prior to the current discovery deadline.

Accordingly, plaintiff requests a further 90-day extension of all outstanding discovery cutoff dates.

I am faxing herewith a revised discovery plan setting for the new proposed deadlines.

5/12/08
*Application denied.
All discovery, of whatever nature
shall be initiated so as to be
completed on or before August 1, 2008.
SO ORDERED:
Kevin Nathaniel Fox*

KEVIN NATHANIEL FOX, U.S.M.J.
BDK/mm

Respectfully submitted,



Bruce D. Katz

Enclosure
Order of Hon. Kevin N. Fox March 3, 2008
Proposed Discovery Plan May 9, 2008

cc: Mr. Keith Nowak, Esq. by PDF Email attachment and Fax